

UNITED STATES BANKRUPTCY COURT
EASTERN DISTRICT OF MISSOURI
EASTERN DIVISION

In re: Gary McMullin)	
and)	Case No. 11-40243
Janella K. McMullin)	
)	Chapter 13
Debtors)	Confirmation Hearing
)	11:00 a.m. Courtroom 7 North
)	June 23, 2011
)	Judge Surratt-States

FIRST AMENDED CHAPTER 13 PLAN

PAYMENTS. Debtor is to pay to the Chapter 13 Trustee the sum of the following amounts: (complete one of the following payment options)

Debtors to pay \$1,400 a month for the first 8 months and thereafter \$1,600.00 for 52 months.

In addition, Debtor shall pay to the Trustee, and the plan base shall be increased by the following:

(1) Debtor shall send any tax refund received during the plan to the Trustee; however, debtor may retain a portion of a tax refund to pay income taxes owed to any taxing authority for the same period as the refund. Debtor may also retain from such refunds the lesser of the sum of two monthly plan payments or \$600 from such tax refunds, each year, for necessities. (2) Fifty percent of any distribution paid or payable to the debtor from debtor's pension plan or as an employee bonus. (3) Additional lump sum(s) consisting of _____, if any, to be paid to the Trustee.

A minimum of \$9,840.00 will be paid to non-priority unsecured creditors.

DISBURSEMENTS. Creditors shall be paid in the following order and in the following fashion. Unless stated otherwise, the Chapter 13 Trustee will make the payments to creditors. All disbursements by the Trustee to be made pro-rata by class, except per month disbursements described below:

1. Trustee and Court Fees. Pay Trustee a percent of all disbursements as allowed by law [and pay filing fee in the amount of \$ _____]

2. Executory Contract/Lease Arrearages. Trustee to cure pre-petition arrearage on any executory contract accepted in paragraphs 3(A or B) over the following period,

estimated as follows:

CREDITOR NAME	TOTAL AMOUNT DUE	CURE PERIOD
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3. Pay sub-paragraphs concurrently:

(A) Post-petition real property lease payments. Debtor assumes executory contract for real property with the following creditor(s) and proposes to maintain payments in accordance with terms of the original contract as follows:

CREDITOR NAME	MONTHLY PAYMENT	BY DEBTOR/TRUSTEE
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(B) Post-petition personal property lease payments. Debtor assumes executory contract for personal property with the following creditor(s) and proposes to maintain payments in accordance with terms of the original contract as follows:

CREDITOR NAME	MONTHLY PAYMENT	EST MONTHS REMAINING
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(C) Continuing Debt Payments (including post-petition mortgage payments on real estate other than Debtor's residence) Maintain payments of the following continuing debt(s) in accordance with terms of the original contract with any arrearages owed at the time of filing to be cured in paragraph ____ below.

CREDITOR NAME	MONTHLY PAYMENT
Sallie Mae	\$20.00

(D) Post-petition mortgage payments on Debtor's residence. Payments due post-filing on debt(s) secured by lien(s) on Debtor(s) residence to be at the monthly amount listed below (or as adjusted by creditor under terms of loan agreement) to:

CREDITOR NAME	MONTHLY PAYMENT	BY DEBTOR/TRUSTEE
Citimortgage	\$1,327.00	Debtor
Irwin	\$740.00	Debtor

(E) DSO Claims in equal installments. Pay the following pre-petition domestic support obligation arrears in full in equal monthly installments over the life of the plan, estimated as:

CREDITOR NAME	TOTAL AMOUNT DUE	INTEREST RATE
No pre-petition claims		

4. Attorney Fees. Pay Debtor's attorney \$1,700 (\$2000- \$300 already paid) in equal monthly payments over 18 months. Any additional fees allowed by the Court shall be paid pursuant to paragraph 6 below. [See procedures manual for limitations on use of this paragraph]

5. Pay sub-paragraphs concurrently:

(A) Pre-petition arrears on secured claims paid in paragraph 3. Pay arrearage on debt secured by liens on real property in equal monthly installments over the period and with the interest rate identified below, estimated as follows:

CREDITOR NAME	TOTAL AMOUNT DUE	CURE PERIOD	INTEREST RATE
Citimortgage	0	48 months	0%

Irwin Home Equity 0 48 months 0%

(B) Secured claims to be paid in full. The following claims shall be paid in full in equal monthly payments over the period set forth below with 5.93% interest.

CREDITOR	EST BALANCE DUE	REPAY PERIOD	TOTAL w/INTEREST
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(C) Secured claims subject to modification. Pay all other secured claims the fair market value of the collateral, as of the date the petition was filed, in equal monthly payments over the period set forth below with 5.93% interest and with any balance of the debt to be paid as non-priority unsecured debt under paragraph 9(A), estimated as set forth below:

CREDITOR	BALANCE DUE	FMV	REPAY PERIOD	TOTAL w/INTEREST
Harley	\$15,162.06	\$14,500	60 Months	\$17,795.65
GMAC (G-6)	\$20,973.15	\$15,650	60 Months	\$24,616.15
GMAC (sil)	\$23,728.85	\$19,580	60 months	\$27,849.69

(D) Co-debtor guaranteed debt paid in equal monthly installments. The following co-debtor guaranteed claims(s) to be paid by Trustee or by the co-debtor as noted below. If paid by Trustee, pay claim in equal monthly installments over the period and with interest as identified below.

CRED.	EST BAL.	TRUSTEE/CO-DEBTOR	PERIOD	INTEREST RATE
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6. Pay \$300 of debtor's attorney's fees and any additional attorney fees allowed by the Court .

7. Pay sub-paragraphs concurrently:

(A) Unsecured Co-debtor guaranteed claims. The following unsecured co-debtor guaranteed debt to be paid by Trustee or by the co-debtor as noted below. If paid by Trustee, pay claim in full with interest rate as identified below.

CREDITOR NAME	EST TOTAL DUE	TRUSTEE/CO-DEBTOR	INTEREST RATE
Fifth Third Bank	\$9493.91	Co-Debtor	0%

(B) Assigned DSO Claims. Domestic support obligation arrearages assigned to, or recoverable by, a governmental unit, to be paid a fixed amount with the balance to be owed by the Debtor(s) after completion of the Plan, pursuant to § 507(a)(1)(B) and 1322(a)(4). Regular payments that become due after filing shall be paid directly by Debtor(s).

CREDITOR	TOTAL DUE	TOTAL AMOUNT PAID BY TRUSTEE
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8. **Priority Claims.** Pay the following priority claims allowed under 11 U.S.C. section 507 in full, estimated as follows:

CREDITOR NAME	TOTAL AMOUNT DUE
IRS	\$1,816
MO. Dept of Revenue	\$317
St. Charles County Coll. of Rev.	\$1,050

9. Pay the following sub-paragraphs concurrently:

(A) **General Unsecured Claims.** Pay non-priority, unsecured creditors. Estimated total owed: \$176,220.3. Estimated amount available \$0. Estimated repayment in Chapter 7: \$0.00. Amount required to be paid to non-priority unsecured creditors as determined by 1325(b) calculation: \$0.

(B) **Surrender of Collateral.** Debtor proposes to surrender the following collateral to the following creditor(s) with any deficiency paid as non-priority unsecured debt:

CREDITOR	COLLATERAL
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(C) **Rejected Executory Contracts/Leases.** Debtor rejects the following executory contract(s) with the following creditor(s). Any balance to be paid as non-priority unsecured debt.:

CREDITOR	CONTRACT/LEASE
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10. Other:

11. All secured creditors shall retain the liens securing their claims until the earlier of the payment of the underlying debt determined under non-bankruptcy law or discharge under section 1328. However, the Debtor will request avoidance of non-purchase money liens secured by consumer goods as well as judicial liens which impair exemptions and said creditors will not retain their liens if the Court enters an order granting the Debtor's request to avoid the liens.

12. Any pledged credit union shares or certificates of deposit held by any bank shall be applied to the amount owed such Claimant.

13. Title to Debtor's property to re-vest in Debtor upon confirmation. Debtor is not to incur further credit or debt without the consent of the Court unless necessary for the protection of life, health or property and consent cannot be obtained readily.

14. Any post-petition claims filed and allowed under 11 U.S.C. section 1305 may be paid through the plan.

CREDITOR'S NOTICE: YOU MUST FILE A CLAIM IN ORDER TO PARTICIPATE IN DISBURSEMENTS PROPOSED HEREIN. CLAIMS SHALL SHARE ONLY IN FUNDS DISBURSED AFTER THE CHAPTER 13 TRUSTEE RECEIVES THE CLAIM. IN COMPLIANCE WITH ORDER OF THE COURT, ABSENT A SPECIFIC ORDER OF THE COURT TO THE CONTRARY, THE CHAPTER 13 TRUSTEE, RATHER THAN THE DEBTOR, WILL MAKE ALL PRE-CONFIRMATION DISBURSEMENTS PURSUANT TO SECTION 1326(a). ALL CREDITORS ENTITLED TO PRE-CONFIRMATION DISBURSEMENTS, INCLUDING LEASE CREDITORS, MUST FILE A PROOF OF CLAIM TO BE ENTITLED TO RECEIVE SUCH PAYMENTS FROM THE CHAPTER 13 TRUSTEE. PURSUANT TO LOCAL RULE, THE PROOF OF CLAIM SHALL CONTROL THE VALUATION OF COLLATERAL AND ANY VALUATION STATED IN THE PLAN SHALL NOT BE BINDING ON THE CREDITOR.

DATE: /s/ 6/2/2011

DEBTOR: /s/ Gary McMullin

DATE: /s/ 6/2/2011

DEBTOR: /s/ Janella McMullin

IN RE: Gary McMullin
Janella K. McMullin

CASE NO. 11-42043888

CHAPTER 13

Certificate of Service

CERTIFICATE OF SERVICE

I certify that a copy of the attached first amended plan was sent by electronic notice or mailed postage pre-paid on or before June 2, 2011 to the following parties:

John V. LaBarge, Jr., P.O. Box 430908, St. Louis, MO 63143
Office of the US Trustee, 111 S 10th St., 6th Fl, St. Louis, MO 63102

Date: 6/2/2011

/s/ Douglas M. Heagler

Douglas M. Heagler

Attorney for the Debtor(s)

Account Resolution Corp
xxxx
17600 Chesterfield
Ste. 201
Chesterfield, MO 63005

Chase - Cc
xxxxxxxx6564
Attention: Bankruptcy Department
PO Box 100018
Kennesaw, GA 30156

Consumer Collection Managment
xxxx
P.O. Box 1839
Maryland Heights, MO 63043

Afcs
xxxx
10333 N. Meridian St., Ste 270
Indianapolis, IN 46290

Citi
xxxxxxxx7301
Po Box 6241
Sioux Falls, SD 57117

DCL Medical Laboratories, LLC
xxxx
P.O.Box 2205
Indianapolis, IN 46206

Bally Total Fitness
P.O. Box 1090
Norwalk, CA 90651

Citi Mortgage Inc
xxxxx6103
Attention: Bankruptcy Department
PO Box 79022, MS322
St. Louis, MO 63179

Discover Financial
xxxxxxxx3072
Attention: Bankruptcy Department
PO Box 3025
New Albany, OH 43054

Bank Of America
4206
4060 Ogletown/stanton Rd
Newark, DE 19713

Citibank Usa
xxxxxxxxxxxx6082
Attn.: Centralized Bankruptcy
PO Box 20507
Kansas City, MO 64195

Discover Financial
xxxxxxxx6547
Attention: Bankruptcy Department
PO Box 3025
New Albany, OH 43054

Chase - Cc
xxxxxxxx2566
Attention: Bankruptcy Department
PO Box 100018
Kennesaw, GA 30156

Collection Resources
xxxx
P.O. Bodx 2270
2700 1st St. North Suite 303
Saint Cloud, MN 56302

Dsnb Macys
xxxxxxxx1720
Attn: Bankruptcy
6356 Corley Rd
Norcross, GA 30071

IN RE: Gary McMullin
Janelle K. McMullin

CASE NO. 11-42043888

CHAPTER 13

Certificate of Service
(Continuation Sheet #1)

Family Dental Care of winghave
xxxx
3009 Winghaven Blvd
O Fallon, MO 63366

Hsbc/bsbuy
xxxxxxxx0243
Po Box 15519
Wilmington, DE 19850

St. Charles County Collector
xxxx
201 N. Second St.
Saint Charles, MO 63301

Fifth Third Bank
x6490
C/O Bankruptcy Dept, MDROPSO5
1850 East Paris
Grand Rapids, MI 49546

IRS
Insolvency
P.O. Box 66778
Stop 5334STL
St. Louis, MO 63166

Unvl/citi
xxxxxxxx6165
Attn.: Centralized Bankruptcy
PO Box 20507
Kansas City, MO 64195

First National Bank Credit Card Center
xxxxxxxxxx7939
Attention: Bankruptcy Department
PO Box 3331 Stop Code 3105
Omaha, NE 68103

Irwin Home Equity
xxxxxxxx8371
12677 Alcosta Blvd Ste 500
San Ramon, CA 94583

Visdsnb
xxxxxxxxxx7126
Bankruptcy
6356 Corley Rd
Norcross, GA 30071

G M A C
xxxxxxxx9635
PO Box 130424
Roseville, MN 55113

JC Penney
xx8391
Attention: Bankruptcy Department
PO Box 103106
Roswell, GA 30076

Washington Mutual / Providian
xxxxxx5918
Attn: Bankruptcy Dept.
PO Box 10467
Greenville, SC 29603

G M A C
xxxxxxxx4226
PO Box 130424
Roseville, MN 55113

Metropolitan Plastic Surgery
xxxx
70 Jungerman Circle
Ste. 401
Saint Peters, MO 63376

Wentzville Endodontics
xxxx
1006 Schroeder Creek Blvd
Wentzville, MO 63385

Gemb/dobbs Tire
xxxxxxxx6511
Po Box 981439
El Paso, TX 79998

Missouri Department of Revenue
Bankruptcy Unit
P.O. Box 475
301 W. High Street
Jefferson City, MO 65105-0475

Harley Davidson Financial
xxxxxxxx3259
PO Box 21970
Carson City, NV 89721

Sallie Mae
xxxxxxxxxxxxxxxxxx0222
Attn: Claims Dept
PO Box 9500
Wilkes Barre, PA 18773